

Shah Peerally (CA Bar No: 230818)
LAW OFFICES OF SHAH PEERALLY
4510 Peralta Blvd, Suite 23
Fremont, CA 94536
Telephone: (510) 742 5887
Fax: (510) 742 5877

E-filing

FILED
JUN - 1 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Attorneys for Petitioner: AMIR ALI KHAN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA**

AMIR ALI KHAN

Plaintiff,

vs.

Alberto Gonzales, Attorney General of the
United States; Michael Chertoff, Secretary of the
Department of Homeland Security; Emilio
Gonzalez, Director of United States Citizenship &
Immigration Services; Robert S. Mueller, III,
Director of the Federal Bureau of Investigations;
Christina Poulos, Director of the California Service
Center; et al

Defendants

Case No.

C07-02871 BZ

CIVIL ACTION
TO COMPEL DEFENDANTS
TO COMPLETE
NATURALIZATION PROCESS

INS A# 078-899-193

To the Honorable Judges of Northern District of California San Francisco Court:

Plaintiff, Amir Khan, through undersigned counsel, alleges as follows:

INTRODUCTION

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. § 1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. § 2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. § 704.

2. This action is brought to compel Defendants and those acting under them to take action on a Form

GO 44 SEC. N
NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE SENT

1 N-400, Application for Naturalization, (hereafter “the Application”) in order for Plaintiff to become a
 2 Naturalized Citizen of the United States. The Application was filed with the San Francisco Naturalization
 3 Service’s District Office in San Francisco California on October 27, 2005 by Amir Ali Khan. Amir Ali Khan
 4 was interviewed by USCIS Officer Casellas on April 6, 2006 and successfully passed the English language and
 5 history and government tests. (See Ex. 1, Form N-652, Naturalization Interview, for proof of successful
 6 passage of both tests). To this day, one year and one month after the interview, Amir Ali Khan still awaits the
 7 decision. Certainly more than 120 days have passed since the interview in this matter, thus vesting jurisdiction
 8 with this court under 8 U.S.C. § 1447.
 9

10 3. Plaintiff is eligible to have his Application adjudicated.

11 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services
 12 (USCIS), are charged by law with the statutory obligation to adjudicate this Application.
 13

14 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real
 15 property is involved in this action.
 16

17 **FACTS**

18 6. Amir Ali Khan is a native and citizen of Pakistan. Amir Ali Khan received his Permanent Resident
 19 status on with marriage to US citizen spouse, Arshia Mian. (See Ex. 2, copy of Amar Bellaha’s Resident
 20 Alien Card, front and back.)
 21

22 7. Amir Ali Khan’s Permanent Resident Status was granted on October 31, 2002 (See Ex. 2), and he
 23 became statutorily eligible to file Form N-400, Application for Naturalization, based on marriage to a US
 24 citizen spouse on July 31st 2005 , two years and nine months after grant of Permanent Resident Status.
 25

26 8. Amir Ali Khan filed his Form N-400, Application for Naturalization, with the United States
 27 Citizenship and Immigration Naturalization Service, California Service Center on or about October 27, 2005.
 28

9. Amir Ali Khan was interviewed by USCIS Immigration Officer on April 6, 2006 and successfully passed the English language and history and government tests. (See Ex. 1, Form N-652, Naturalization Interview, for proof of successful passage of both tests). To this day, over one year and one month after the interview, Amir Ali Khan still awaits the decision.

10. Amir Ali Khan has made numerous inquiries with the USCIS and also several congressional inquiries with no success (See Ex. 3, Inquiries)

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Plaintiff has exhausted his administrative remedies. Plaintiff has made numerous inquiries with the USCIS including congressional inquiries (See collective Ex. 3). Plaintiff has supplied the USCIS and FBI documents that clearly establish his eligibility to be naturalized as U.S. Citizen.

CLAIMS

17. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.

18. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform that duty.

19. Plaintiff has exhausted any administrative remedies that may exist.

WHEREFORE, Plaintiff prays that the Court:

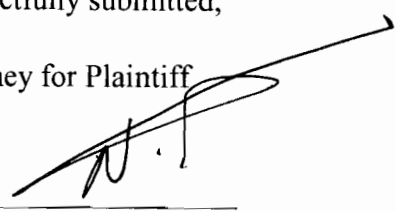
1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or
2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and
3. Grant such other and further relief as this Court deems proper under the circumstances; and

1 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

2 Respectfully submitted this 1st day of June 2007.

3
4
5
6 Respectfully submitted,

7 Attorney for Plaintiff

8 
9 _____
10 Shah Peerally, Esq.
11 Attorney for Plaintiff

PERMANENT RESIDENT CARD

NAME KHAN, AMIR A



A# 078-899-193

Birchdate	Category	Sex
-----------	----------	-----

02/11/76, 3:51 PM M

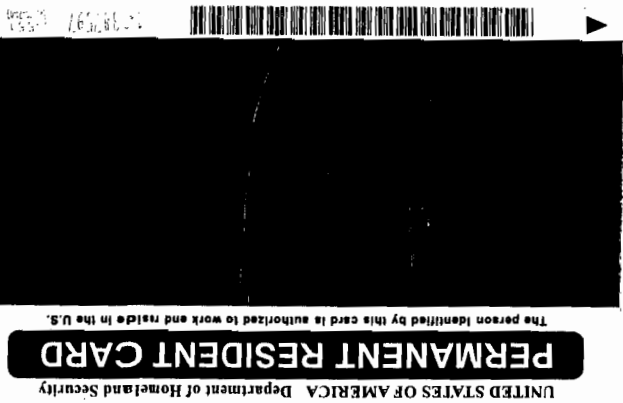
Country of Birth

Pakistan

08/12/15

Resident Since 10/31/02

C1USA0788991937WAC0522451369<<
7602115M1508123PAK<<<<<<<<<<4
KHAN<<AMIR<A<<<<<<<<<<<<<<<



Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

AMIR KHAN
87 BURNHAM PL
FREMONT, CA 94539

File No. A078-899-193

App Id:

Date: 08-2-06

Officer: db

Re: Pending N-400 for Background Check

This is in response to your recent inquiry. A review of your application shows that your Form N -400, Application for Naturalization, is still pending for the completion of all necessary background checks. Unfortunately a decision on your application cannot be made until all required security checks have been completed. All cases pending for security checks are regularly reviewed for any new cases that have cleared.

We apologize for the delay and request your cooperation and patience in waiting for these important checks to be completed. Please refer to the attached Immigration Fact Sheet for additional information on the importance of security background checks.

Any future inquiries for cases pending outside normal processing times should be directed to the National Customer Service Center at 1-800-375-5283.

Thank you.

U.S. Citizenship and Immigration Services
630 Sansome Street
San Francisco CA 94111

U.S. Department of Homeland Security
1301 Clay Street, Room, 380-N, CB
Oakland, CA 94612



U.S. Citizenship
and Immigration
Services

FBI NAME CHECK INFORMATION

This information is effective September 24, 2005. The FBI has a new way to check on PENDING name checks. You may email fbinnncp@ic.fbi.gov. Include the following information:

- Your complete name
- Your date of birth
- Alien Registration Number on your Alien Registration Card
- Your email address

These instructions are from the FBI and USCIS does not receive any notice if they change the policy. The policy is first in, first out for name checks. Please feel free to inquire with USCIS if more than 90 days have passed **after** your interview.

All FBI background checks must clear before any immigration benefit is approved. There are no exceptions to this. FBI name checks are part of the required background checks made of all applicants/petitioners for immigrant benefits. This is in addition to the fingerprint checks. There is a procedure in place when a person's fingerprints cannot be processed. There is no substitute procedure for name checks.

FOR PETE STARK
13th DISTRICT, CALIFORNIA.

COMMITTEE ON
WAYS AND MEANS

JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

December 7, 2005

Amir Khan
4555 Thornton Ave. #92
Fremont, CA 94536

Dear Mr. Khan:

Thank you for contacting me for assistance.

I have given the information you provided to the appropriate authority. They are aware of my interest in the case, and I'll let you know as soon as I receive a reply.

Sincerely,



Pete Stark
Member of Congress

FHS/gh

FOR ~~NEY~~ PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

May 3, 2006

Amir Khan
4555 Thornton Ave. #92
Fremont, CA 94536

Dear Mr. Khan:

Enclosed is further correspondence I received from U.S. Customs and Border Protection in reply to my inquiry on your behalf.

I hope the information is helpful.

Sincerely,

A handwritten signature in black ink that reads "Pete Stark". The signature is written in a cursive, flowing style.

Pete Stark
Member of Congress

FHS/js

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

APR 17 2006

The Honorable Pete Stark
Member of Congress
39300 Civic Center Drive, Suite 220
Fremont, California 94538

Dear Congressman Stark:

Thank you for your letter of December 7, 2005, on behalf of your constituent, Mr. Amir Khan. In your correspondence, which was forwarded to the U.S. Customs and Border Protection (CBP) by the Transportation Security Administration, you requested a review of Mr. Khan's concern regarding his processing at the John F. Kennedy International Airport in New York and the George Bush Intercontinental Airport in Houston, Texas. We have recently completed our review of this matter. Please allow me to outline our findings.

First, permit me to apologize for any rude or unprofessional conduct that Mr. Khan may have experienced during his CBP processing. Since the events of September 11, 2001, CBP has been conducting more detailed interviews and inspections. CBP has implemented rigorous mechanisms to better secure the borders of our Nation and to protect the people who live here. Speaking with travelers and examining merchandise entering or leaving the United States are some ways CBP looks for illegal activity and/or prohibited items. Unless exempted by diplomatic status, all travelers entering the United States, including U.S. citizens, are required to participate in CBP processing.

Regrettably, on occasion, CBP may inconvenience law-abiding passengers in the course of detecting individuals involved in illicit activities. We are aware of how stressful the inspection process may be to those selected for more protracted inspections. In such cases, we rely on the patience, understanding, and cooperation of the traveling public.

We also expect all our officers to perform their duties in a professional manner and to treat each traveler with courtesy and respect. CBP takes allegations of employee misconduct very seriously and has instituted policy pertaining to abuses of authority. Complaints of unprofessional conduct are recorded and investigated and disciplinary action is taken against employees who are found to have violated this policy.

- 2 -

Section 1433(b) of Title 19 of the United States Code (19 U.S.C. 1433(b)) and Part 162.6 of Title 19 of the Code of Federal Regulations (19 CFR 162.6) state that all persons arriving in the United States must report their arrival and make themselves, their conveyance, and merchandise (including baggage) onboard available for inspection to a CBP officer at the facility designated for the crossing point. Under, 19 U.S.C. 1467, an arriving traveler, their conveyance, and/or merchandise may be searched and CBP officers are authorized to conduct such searches if deemed necessary and appropriate.

Upon the traveler's arrival at a U.S. port of entry (POE), a primary inspection is normally conducted and completed within seconds. CBP primary officers must determine a traveler's admissibility and compliance with over 400 laws enforced for over 40 Government agencies. CBP officers release those travelers determined to be in full compliance with the law at the primary station and refer others to a secondary for a more protracted inspection, as necessary.


CBP officers are fully trained to determine which travelers should be sent to secondary based on a number of merit factors, including the purpose of trip, Customs declaration, mode of arrival, type of transportation, and residency.


The Port Director's offices in both Houston and New York have been asked to review the circumstances of Mr. Kahn's processing. If CBP confirms employee misconduct, we will take appropriate action to correct this situation. The Privacy Act, however, prevents us from disclosing information regarding the nature of any disciplinary action taken against an employee resulting from an allegation of misconduct. Let me assure you that the issues raised by Mr. Khan are being addressed promptly and professionally.

Again, we regret any inconvenience Mr. Khan may have experienced during his CBP processing. Allow me to suggest that if, for any reason in the future, Mr. Khan is again dissatisfied with his CBP processing, he should ask to speak to a supervisor on-site. A supervisor is always available to address concerns of travelers.

I appreciate your interest in Customs and Border Protection. If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,



 Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs

FOR TNEY PETE STARK

13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS

JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

February 14, 2006

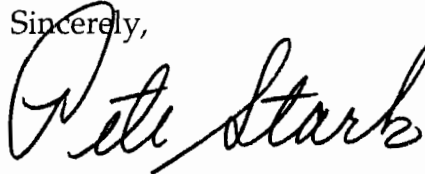
Amir Khan
4555 Thornton Ave. #92
Fremont, CA 94536

Dear Mr. Khan:

Enclosed is the reply I received to my inquiry on your behalf.

I hope the information is helpful.

Sincerely,



Pete Stark
Member of Congress

FHS/ibi

Office of the Assistant Secretary

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220

FEB 8 2006



Transportation
Security
Administration

The Honorable Pete Stark
Member, U.S. House of Representatives
39300 Civic Center Drive
Fremont, CA 94538

Dear Congressman Stark:

Thank you for your letter of December 7, 2005, written on behalf of your constituent, Mr. Amir Khan, regarding his experiences while traveling through our Nation's airports. Specifically, Mr. Khan indicated that he is unable to use curbside check-in and experiences delays while trying to obtain a boarding pass. He is further subject to secondary screening every time he travels. In addition, Mr. Khan indicated that he has been questioned by U.S. Customs officers upon returning from travel abroad. Mr. Khan expressed concern that these experiences may be the result of his name appearing on a list and believes that his and his wife's rights were violated when their bank records, credit information, and personal affairs were examined. Furthermore, Mr. Khan expressed dissatisfaction with the manner in which his and his wife's inquiries to the Transportation Security Administration (TSA) in effort to have these matters resolved were handled.

With respect to the Mr. Khan's specific concerns related to the difficulties he experiences obtaining a boarding pass, please know that TSA requires airlines to verify the identity of passengers in order to implement a number of security procedures, including those connected with Federal watch lists. The Federal Government maintains watch lists of persons who are known to pose, or are suspected of posing, a threat to civil aviation or national security. These watch lists are compiled from information provided by Federal intelligence and law enforcement agencies. Inclusion on one watch list, the No Fly List, prohibits an individual from traveling by commercial aviation. Individuals on another watch list, the Selectee List, are permitted to fly, but are subject to additional screening at passenger security checkpoints.

Absent specific intelligence information, TSA does not include as a screening factor any passenger traits that may be directly associated with race, color, national or ethnic origin, religion, or gender, such as a passenger's name or mode of dress. TSA is committed to ensuring that airline passengers are not subjected to additional screening based on discriminatory factors.

TSA recognizes that some passengers have been inadvertently inconvenienced at airline check-in as a result of being mistaken for individuals who, in fact, are on a Federal watch list. We have developed a procedure that is designed to expedite the clearance process for these passengers. We ask them to submit information, including select personal documents, so we may formally verify that their identity is distinct from those of persons on a Federal watch list.

TSA sent a letter to Mr. Khan on January 5, 2006, explaining the availability of the Passenger Identity Verification (PIV) procedure and the required documents to begin the process. These documents are also available on our website at www.tsa.gov. Once TSA has received and reviewed Mr. Khan's completed documentation, we will notify him in writing of our determination. If the information provided distinguishes him from an individual on a Federal watch list, TSA would relay this information to the appropriate parties, including the airlines. An airline might still require a brief period of time to comply with identity verification requirements prior to issuing his boarding pass, and therefore, Mr. Khan will not be able to check-in curbside, but the process should not require extensive delays or enhanced screening. Please note that this process will not affect other standard screening procedures currently in effect at the security checkpoint.

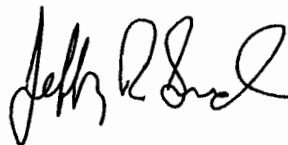
While TSA regulations require airlines to implement security procedures to verify the identity of passengers, we have found that there have been some inconsistencies in the implementation of the requirement and the methods used to compare passenger names. TSA continues to work with the airlines and the traveling public to eliminate those inconsistencies and to improve procedures. TSA is developing a passenger prescreening program, known as Secure Flight, that would transfer responsibility for the watch list comparison function from the airlines to the Federal Government and bring automation and consistency to the process. In addition, the program should allow passengers to once again be able to use curbside check-in.

The experiences Mr. Khan recounted in his letter regarding his return travel to the U.S. from the United Kingdom and France, do not involve TSA, but rather U.S. Customs and Border Protection (CBP). CBP, the unified border agency within the Department of Homeland Security, was established to bring a unified focus to the control and protection of the Nation's borders, at and between the official ports of entry, with the principal goal of preventing terrorists and terrorist weapons from entering the United States. Therefore, we are forwarding his letter to CBP for further action. CBP's Customer Satisfaction Unit assists individuals who believe the difficulties and delays they have experienced in clearing customs may be the result of their name or a similar name appearing in a CBP database. Mr. Khan may wish contact that office directly by writing to the following address:

U.S. Customs and Border Protection
FOIA/CSU, Room 5.5C
1300 Pennsylvania Avenue, NW
Washington, DC 20229

We appreciate that Mr. Khan took the time to share his concerns with you and hope this information is helpful. If we may be of further assistance, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeffrey R. Sural". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent.

Jeffrey R. Sural
Assistant Administrator
for Legislative Affairs

cc: FOIA/CSU, CBP



City & County of Denver
JOHN W. HICKENLOOPER
Mayor

August 4, 2003

Amir Khan
1175 Albion Street #308
Denver CO 80220

Dear Mr. Khan

I am sorry to hear about the unfortunate incident you experienced at Denver International Airport (DIA) during your recent trip.

I have forwarded your letter to the Transportation Security Administration (TSA) Director for Denver at (303) 342-1180 for review and resolution of your particular complaint, since they are the exclusive authority for passenger and baggage security screening enforcement at all U.S. airports. Additionally, I am forwarding your letter to Tim Thornton, Frontier Airline's Station Manager at (303) 342-7660.

As DIA's Co-Manager of Aviation, it is always my desire for every passenger to have a successful travel experience at this airport. I truly hope your next trip through DIA will be a very pleasant one.

Sincerely,

Vicki Braunagel
Co-Manager of Aviation

:be

cc: Pat Ahlstrom, TSA
Tim Thornton, Frontier Airlines

**DENVER
INTERNATIONAL
AIRPORT**

Department of Aviation
Airport Office Building
8500 Peña Boulevard
Denver, Colorado 80249

303.342.2200
www.FlyDenver.com

DISTRICT 8

COUNCILWOMAN
ELBRA WEDGEWORTH

DISTRICT OFFICE:

3280 Downing Street • Unit C • Denver, Colorado 80205
Phone: 303-298-7641 • Fax: 303-298-9716

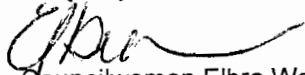
July 25, 2003

Amir Khan
1175 Albion #308
Denver, CO 80220

Dear Amir Khan,

Thank you for your letter dated July 24, 2003 regarding racial profiling. I will forward a copy of your letter to Andrew Hudson at Frontier Airlines for follow-up.

Sincerely,



Councilwoman Elbra Wedgeworth
District 8

COUNCIL
COMMITTEES

Chair, Safety
Committee

Land Use,
Transportation
Planning and
Housing
Committee

Finance
Committee

Transition Task
Force Committee

Human Services,
Health and
Environment
Committee

Special
Projects/DIA
Committee

ACLU FOUNDATION

AMERICAN CIVIL LIBERTIES UNION OF COLORADO

JULIE TOLLESON, CHAIR - BOARD OF DIRECTORS. SUE ARMSTRONG, EXECUTIVE DIRECTOR. MARK SILVERSTEIN, LEGAL DIRECTOR

CONFIDENTIAL LEGAL MAIL

Friday, July 18, 2003

Amir Khan
1175 Albion #318

Denver, CO, 80220

Dear Amir Khan,

Thank you for contacting the American Civil Liberties Union of Colorado. After reviewing your request, the ACLU has determined that it will be unable to assist you.

The ACLU is privately funded by our members and operates on a modest budget. Our attorneys work on a volunteer basis and, as such, only accept a limited number of cases. This office receives thousands of requests for assistance every year, and our limited resources prevent us from taking many of the cases we receive. Therefore, we are in the unfortunate position of having to select from the cases presented to us and we generally choose from among those that have the greatest potential to affect a large number of individuals.

Our inability to assist you does not reflect on the merits of your case, and you may wish to contact a private attorney, though we do not provide referrals to attorneys. Another option is to contact one of the lawyer referral services in the yellow pages of the telephone directory, or one of the other agencies that offer legal advice, listed on the enclosed sheet. Additionally, if you have not already done so, you could make sure that you have exhausted any available internal grievance procedures that might resolve your issue without the need for legal intervention. In the meantime, please be advised that the law imposes different timelines that must be met in each case. The failure to meet those deadlines might prejudice your rights.

Again, thank you for contacting the ACLU, and taking the time and effort to describe your situation. Please do not hesitate to contact this organization if you have other situations you wish the ACLU to review.

Very truly yours,



Dipak Patel, Esq.
ACLU Intake Director

Intake # 03-00976



*Transportation Security
Administration*

August 27, 2003

Amir Khan
1175 Alboin Street, #308
Denver, Colorado 80220

Dear Mr. Khan:

I have received information concerning your travel experience on July 3, 2003. I appreciate the opportunity to respond to your concerns. I am sorry that you were unhappy with your traveling experience and hope that the following information will be helpful. This response is limited to your concern about the TSA screening procedures on July 3, 2003.

This past year much about air travel has changed. Increased airport and aircraft safety is one very visible change and while procedures can be frustrating at times, they help keep us safe. So we value your patience and support.

A variety of security measures are applied to the screening of baggage and/or persons including random searches. This random element prevents potential terrorists from "beating the system" by learning how it operates. Leaving out any one group, such as senior citizens or the clergy, would remove the random elements from the system and undermine security. We simply cannot assume terrorists will fit any particular profile.

The Transportation Security Administration (TSA) and the Department of Homeland Security are new. Our policies, procedures and funding are in rapid evolution. TSA's goal is to treat passengers with respect, courtesy, fairness and honesty. TSA's policy does not allow discrimination. All staff receives diversity training to strengthen respect for people of all cultures; this makes good social and business sense. Our screeners have no reason to be biased. I regret you are feeling that our core values were not being supported because of our obligation to adhere to government-mandated policy.

TSA offers sincere apologies for the disquietude you experienced. Your comments meant to instill a greater degree of sensitivity for passengers' perceptions will be very beneficial to TSA. Although some situations by their very nature are "sensitive" and may make people uneasy or uncomfortable, RESPECT, COURTESY and DIGNITY remains our Benchmark.

Respectfully,

A handwritten signature in black ink, which appears to read 'Patrick Ahlstrom', is written over the word 'Respectfully'.

Patrick Ahlstrom
Acting Federal Security Director
Denver International Airport

U.S. Department of Homeland Security
Arlington, VA 22202-4220



Transportation
Security
Administration

Dear Traveler:

This letter is in response to your inquiry with the Transportation Security Administration's (TSA) Office of the Ombudsman regarding check-in delays at airports.

As part of the security administered at airports, TSA requires airlines to verify the identity of passengers in order to implement a number of security procedures, including those connected with TSA's watch lists. TSA prepares and maintains watch lists of persons who are known to pose, or suspected of posing, a threat to civil aviation or national security. These watch lists are compiled from information provided by Federal intelligence and law enforcement agencies. Inclusion on one watch list, the No Fly List, involves a prohibition from traveling by commercial aviation. TSA also maintains a Selectee List. Individuals on the Selectee List are permitted to fly, but are subject to enhanced screening at the passenger screening checkpoints.

TSA recognizes that some people have been inadvertently subjected to frustrating delays at airports as a result of being mistaken for an individual who, in fact, is on a watch list. We regret this inconvenience and have developed a procedure that is designed to expedite the clearance process for individuals who experience these delays.

As part of this procedure, we ask that you complete the enclosed Passenger Identity Verification (PIV) Form to assist us in assessing your situation. TSA will be unable to process your request for assistance without the information requested on the PIV Form. We will use the information provided to research your specific case and will notify you in writing of our determination. If your information distinguishes you from an individual on a TSA watch list, we will contact the appropriate parties, including the airlines, in an effort to streamline your check-in process.



PASSENGER IDENTIFICATION VERIFICATION FORM

I. PERSONAL INFORMATION

NAME: _____
FIRST MIDDLE LAST

ADDRESS: _____
STREET APT #

CITY STATE ZIP CODE

SEX BIRTH PLACE DATE OF BIRTH SOCIAL SECURITY #

HEIGHT WEIGHT HAIR COLOR EYE COLOR

HOME TELEPHONE WORK TELEPHONE

II. DOCUMENTATION

You must provide certified or notarized copies for at least three of the following documents to process your request. (Only birth certificates need to be certified, all of the other documents may be notarized):

PASSPORT NUMBER COUNTRY

VISA NUMBER PLACE OF ISSUE

BIRTH CERTIFICATE NUMBER PLACE OF ISSUE

NATURALIZATION CERTIFICATE CERTIFICATE OF CITIZENSHIP

-VOTER REGISTRATION CARD MILITARY DISCHARGE PAPER

DRIVER'S LICENSE NUMBER STATE OF ISSUE

GOVERNMENT IDENTITY CARD (CITY, STATE, OR FEDERAL)

MILITARY IDENTITY CARD

The information I have provided on this application is true, complete, and correct to the best of my knowledge and is provided in good faith. I understand that knowingly and willfully making any materially false statement, or omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code).

Privacy Act Notice:

Authority: The authority for collecting this information is 49 U.S.C. 114.

Purpose: This voluntary submission is provided to afford you the ability to confirm your identity as distinct from an individual on the No-Fly List. Your Social Security Number (SSN) will be used to verify your identity. Furnishing this information, including your SSN, is voluntary; however, TSA may not be able to confirm your identity without this information.

Routine Uses: Routine uses of this information includes disclosure to appropriate governmental agencies for law enforcement or security purposes, or to airports or air carriers to verify your identity for purposes of security screening.

I understand the above information and am voluntarily submitting this information to the Transportation Security Administration (TSA).

(Signature) _____

(Date) _____